



LAW OFFICES OF
ANDRES REYES

CAPITOL CENTRE
401 E. HILLSIDE
LAREDO, TEXAS 78041
TEL: (956) 712-3633 • FAX: (956) 725-4594
E-MAIL: areyes@ldlaw.com

United States District Court
Southern District of Texas
RECEIVED

APR 20 2006

Michael N. Milby, Clerk
Laredo Division

DM

April 19, 2006

Via Fax (915) 595-2435

Mr. Tony R. Conde, Jr.
Attorney At Law
2244 Trawood, Suite 206
El Paso, Texas 79935

Re: Civil No. L-05-226: Transportes Chihuahua, Inc. v. NTEX Transit, Inc.

Dear Mr. Conde:

Pursuant to the Order of April 17, 2006, I am hereby sending you a copy of the Order of Conference. I am also sending you a copy of my letter of conference dated February 27, 2006 requesting that you contact my office so as to comply with the order of conference. A copy of said letter was filed amongst the records of the court.

On April 17, 2006, I appeared before the Honorable Diana Saldana, United States Magistrate Judge and I advised that I have attempted on several occasions to speak with you. I have had the opportunity to speak with Martha and she has indicated that she has made you aware of my calls. I am respectfully requesting that once you receive this letter, that you contact my office so as to comply with the orders of the court.

Most cordially,



ANDRES REYES

AR/mbc

Enclosure

Cc: Federal District Clerks
1300 Victoria St.
Laredo, Texas 78040

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

United States District Court
Southern District of Texas
ENTERED

APR 19 2006

Michael N. Milby, Clerk
Laredo Division

TRANSPORTES CHIHUAHUA, INC., \$
 Plaintiff, \$
 \$
vs. \$
 \$
NTEX TRANSIT, INC., \$
 Defendant. \$

Civil No. L-05-cv-226

ORDER

On April 17, 2006, the parties were ordered to appear for a status conference. Defendant NTEX appeared through its counsel, Andres Reyes. Plaintiff's attorney, Tony R. Conde Jr. failed to appear for the hearing. It appears that the District Clerk's office failed to notify Mr. Conde about the hearing.

Nonetheless, Rule 26(f) requires that the parties confer and file a report with the Court prior to a scheduling conference. The report has not been filed, despite Mr. Reyes' attempts to contact Mr. Conde. (Docket No. 4). The parties are therefore hereby ORDERED to file a Rule 26(f) Joint Discovery/Case Management Plan on or before May 26, 2006.

The District Clerk's office is further ORDERED to forward Mr. Conde a copy of this Order via certified mail/return receipt to 2244 Trawood, Suite 206, El Paso, Texas 79935, and via facsimile at (915) 595-2435.

DONE at Laredo, Texas, this 19th day of April, 2006.



Diana Saldaña
United States Magistrate Judge



LAW OFFICES (C)
ANDRES REYES

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United States District Court
Southern District of Texas
RECEIVED

MAR 21 2006

Michael N. Milby, Clerk
Laredo Division

DJM

March 21, 2006

Federal District Clerks
1300 Victoria St.
Laredo, Texas 78040

Re: Civil No. L-05-226; Transportes Chihuahua, Inc. vs. NTEX Transit, Inc.

Dear Sir/Madam:

Pursuant to the order signed on February 17, 2006 by the Honorable Judge George P. Kazen United State District Judge for the Southern District of Texas Laredo Division. Please find the letter submitted to Counsel Attorney Tony R. Conde, Jr. dated February 27, 2006 requesting a conference in good faith to agree on a discovery plan. To date I have not received a response.

Should you have any questions please feel free to contact my office.

Most Cordially,



ANDRES REYES

AR/mbc

Cc: Attorney Tony R. Conde, Jr.
2244 Trawood, Suite 206
El Paso, Texas 79935
Tel: (915) 595-2438
Fax: (915) 595-2435



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February 27, 2006

Tony R. Conde, Jr.
Attorney at Law
2244 Trawood, Suite 206
El Paso, Texas 79935

I am in receipt of an order dated February 17, 2006 signed by the Honorable Judge George P. Kazen United States District Judge for the Southern District of Texas Laredo Division.

As per the order we are directed to confer:

1. to consider the nature or basis of the respective claims and defenses.
2. the possibility of prompt settlement or resolution of the case.
3. to make or arrange for disclosures
4. to develop a proposal discovery plan.

We are requested to jointly arrange the conference and attempt in good faith to agree on a discovery plan. Thereafter, we are to submit to the court within 14 days after the conference a written report outlining the plan.

The court has further directed us to file the report from our conference or to explain to the court why no conference has occurred by no later than March 16, 2006.

I have attempted on several occasion to talk to you and left message with your secretary. However, we have not spoken upon receipt of the letter please call my office so we can have the conference as directed by the court.

Most Cordially,

ANDRES REYES

AR/mbc

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

United States District Court
Southern District of Texas
FILED

JAN - 4 2006

Michael N. Milby, Clerk
Laredo Division

GES

CIVIL ACTION NUMBER: L-05-CV- 226

ORDER FOR CONFERENCE

1. Counsel shall appear for an initial pretrial and scheduling conference before

United States Magistrate Judge Marcel C. Notzon
on Wednesday, February 15, 2006 at 2:00 PM

at the United States Courthouse
Courtroom 2A
1300 Victoria Street
Laredo, Texas 78040

2. After the parties meet as required by FED.R.CIV.P. 26(f), counsel shall prepare and file, not less than 10 days before this conference a **JOINT REPORT ON MEETING AS REQUIRED BY RULE 26(f) AND JOINT DISCOVERY/CASE MANAGEMENT PLAN** attached to this ORDER.
3. The Court will enter a scheduling order and may rule on any pending motions at the conference.
4. The Plaintiff(s), or the party removing this suit from state court, **SHALL SERVE THE OPPOSING PARTY OR PARTIES** with copies of:
- a) this ORDER OF CONFERENCE,
 - b) the form for the JOINT REPORT ON MEETING REQUIRED BY RULE 26(f) AND JOINT DISCOVERY/CASE MANAGEMENT PLAN,
 - c) the MEMORANDUM explaining the conduct this Court will expect of counsel in this action.
5. These papers **SHALL BE SERVED CONTEMPORANEOUSLY WITH THE SUMMONS AND COMPLAINT.**
6. The parties will be bound by the provisions contained in this ORDER, the papers mentioned in #4 above, and the dates set out in the scheduling order to be entered in this case.

By Order of the Court

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

NOTICE OF THE RIGHT TO TRY
A CIVIL CASE BEFORE A MAGISTRATE JUDGE

With the consent of all parties, a United States Magistrate Judge may preside in a civil case, including jury trial and final judgment.

The choice of trial before a Magistrate Judge is entirely yours. Tell only the Clerk.
Neither the Judge or the Magistrate Judge will be told until all the parties agree.

The District Judge to whom your case is assigned must approve the referral to a Magistrate Judge.

You may get consent forms from the Clerk.

Michael N. Milby, Clerk



UNITED STATES MAGISTRATE JUDGE'S COURT

MEMORANDUM

To: All litigants and counsel filing cases in this Division
Date: February 9, 1994
Re: Waiver of the requirements of Rule 26

This Division is now operating under Fed. R. Civ. P. 26 as amended December 1, 1993. Some cases have been specifically exempted from the new requirements of this rule, however, the vast majority of cases are subject to the new amendments. If for some reason counsel feel that the strictures of Rule 26 are inappropriate for their case, they may make a motion to the Court to suspend or modify those requirements. Such a motion must be made within 10 (ten) days of filing for plaintiffs and within 10 (ten) days of service of process for defendants. For removal actions these limits will begin to run after any remand issues have been determined by the Court. The motion must contain a short and plain explanation of why the suspension or modification is needed. If counsel seek modification of the requirements of Rule 26, they must specifically state, in their motion, what those modifications would be.



UNITED STATES MAGISTRATE JUDGE'S COURT

MEMORANDUM

To: All counsel in the pending litigation

Date: January 4, 2006

Re: Possible sanctions for failing to follow the requirements of Rule 26

As you are aware, the Federal Rules of Civil Procedure were amended effective December 1, 1993, and substantial changes were made to Fed. R. Civ.P.26. The Court has now implemented those changes, and all cases which are not specifically excluded from the requirements of Rule 26 will proceed under those provisions.

The Amended Rule 26 will govern this case. Failure by counsel to follow any of the provisions of Rule 26 will result in sanctions being assessed against counsel personally. Any sanctions imposed may not be charged to or reimbursed by clients without prior permission of the Court.

If counsel are unable to comply with any of the provisions of Rule 26, they should immediately inform the Court of this inability. This advisory to the Court should state which provision(s) of Rule 26 counsel are unable to comply with, and the reasons that they are unable to comply with the provision(s). If counsel can demonstrate to the Court that they have made a good faith effort to comply with the provision(s), or that the reasons they are unable to comply with the provision(s) are beyond their control, the imposition of sanctions can be avoided. However, "eleventh hour" notifications to the Court will only be excused in cases of emergency. Otherwise the Court will require at least 10 working days notice from counsel that a provision of Rule 26 can not or will not be followed.

If you have any questions regarding the above matters, please do not hesitate to contact the Court. I or my staff will be pleased to assist you.